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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/895,448

06/29/2001

Regis J. Crinon

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07/28/2005

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EXAMINER

SHANNON, MICHAEL R

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/895,448

Applicant(s)

CRINON ET AL.

Examiner

Michael R. Shannon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20010629</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-30 rejected under 35 U.S.C. 102(e) as being anticipated by Bisdikian et al (USP 6,047,317), cited by Examiner.

Regarding claim 1, the claimed “carousel” is met as follows:

- The claimed “plurality of modules, at least one module of the plurality of modules comprising one of a data module and an object module, said at least one module exhibiting a first instance and at least a second instance” is met by the image frame, which is comprised of image data and navigation data and is inserted onto the carousel in a plurality of spaces [col. 3, line 36 – col. 4, line 5 & Fig. 2a].

Regarding claim 2, the claimed “carousel of claim 1, the first instance separated from the second instance by at least one intervening different module of the plurality of modules” is met by the different image frames separating the instances of the first image frame [Fig. 2a].

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Regarding claim 3, the claimed "carousel of claim 1, said at least one module including module content, the module content representing one of television program guide information, advertising information, product information, emergency information, weather information, and news information" is met by the program guide information being delivered by image frames in the carousel [col. 5, lines 13-48].

Regarding claim 4, the claimed "carousel" is met as follows:

- The claimed "first instance of a module including module content, the module comprising one of a data module and an object module" is met by the image frame, which is comprised of image data and navigation data and is inserted onto the carousel in a plurality of spaces [col. 3, line 36 – col. 4, line 5 & Fig. 2a].
- The claimed "second instance of the module" is met by the second instance of the same image frame being present in the carousel [Fig. 2a & col. 4, lines 2-4].
- The claimed "at least one other module including module content, the module content of said at least one other module different than the module content of the module" is met by the different image frames separating the instances of the first image frame [Fig. 2a].

Regarding claim 5, the claimed "carousel of claim 4, the second instance of the module separated from the first instance of the module by said at least one other module" is met by the different image frames separating the instances of the first image frame [Fig. 2a].

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Regarding claim 6, the claimed "carousel of claim 4, the module content of the module representing one of television program guide information, advertising information, product information, emergency information, weather information, and news information" is met by the program guide information being delivered by image frames in the carousel [col. 5, lines 13-48].

Regarding claim 7, the claimed "transmission" is met as follows:

- The claimed "transport stream" is met by the MPEG-2 transport stream [col. 4, line 34].
- The claimed "carousel encapsulated in the transport stream, the carousel having a plurality of modules, at least one module of the plurality of modules comprising one of a data module and an object module, said at least one module exhibiting a first instance and at least a second instance" is met by the packetized and wrapped carousels being delivered in the MPEG-2 transport stream [col. 4, lines 29-34]. The modules are met by the image frame, which is comprised of image data and navigation data and is inserted onto the carousel in a plurality of spaces [col. 3, line 36 – col. 4, line 5 & Fig. 2a].

Regarding claim 8, the claimed "transmission of claim 7, the transport stream comprising an MPEG-2 transport stream" is met by the MPEG-2 transport stream [col. 4, line 34].

Regarding claim 9, the claimed "transmission of claim 7, the transport stream comprising at least a portion of a digital television broadcast signal" is met

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by the MPEG-2 transport stream being multiplexed onto a digital video broadcast [col. 4, lines 37-39].

Regarding claim 10, the claimed "transmission of claim 7, the first instance separated from the second instance by at least one intervening different module of the plurality of modules" is met by the different image frames separating the instances of the first image frame [Fig. 2a].

Regarding claim 11, the claimed "transmission" is met as follows:

- The claimed "transport stream" is met by the MPEG-2 transport stream [col. 4, line 34].
- The claimed "carousel encapsulated in the transport stream, the carousel including a first instance of a module including module content, the module comprising one of a data module and an object module" is met by the packetized and wrapped carousels being delivered in the MPEG-2 transport stream [col. 4, lines 29-34]. The modules are met by the image frame, which is comprised of image data and navigation data and is inserted onto the carousel in a plurality of spaces [col. 3, line 36 – col. 4, line 5 & Fig. 2a].
- The claimed "second instance of the module" is met by the second instance of the same image frame being present in the carousel [Fig. 2a & col. 4, lines 2-4].
- The claimed "at least one other module including module content, the module content of said at least one other module different than

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the module content of the module” is met by the different image frames separating the instances of the first image frame [Fig. 2a].

Regarding claim 12, the claimed “transmission of claim 11, the transport stream comprising an MPEG-2 transport stream” is met by the MPEG-2 transport stream [col. 4, line 34].

Regarding claim 13, the claimed “transmission of claim 11, the transport stream comprising at least a portion of a digital television broadcast signal” is met by the MPEG-2 transport stream being multiplexed onto a digital video broadcast [col. 4, lines 37-39].

Regarding claim 14, the claimed “carousel of claim 11, the second instance of the module separated from the first instance of the module by said at least one other module” is met by the different image frames separating the instances of the first image frame [Fig. 2a].

Regarding claim 15, the claimed “method” is met as follows:

- The claimed step of “encapsulating into a transport stream a carousel having a plurality of modules, at least one module of the plurality of modules comprising one of a data module and an object module, said at least one module exhibiting a first instance and at least a second instance” is met by the packetized and wrapped carousels being delivered in the MPEG-2 transport stream [col. 4, lines 29-34]. The modules are met by the image frame, which is comprised of image data and navigation data and is inserted onto

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the carousel in a plurality of spaces [col. 3, line 36 – col. 4, line 5 & Fig. 2a].

Regarding claim 16, the claimed “method of claim 15, further comprising transmitting the transport stream and the encapsulated carousel to a receiver” is met by the MPEG-2 transport stream being multiplexed onto a digital video broadcast for delivery to set-top box 18 [col. 4, lines 37-54].

Regarding claim 17, the claimed “method of claim 15, further comprising periodically encapsulating the carousel into the transport stream” is met by the MPEG-2 transport stream being multiplexed onto a digital video broadcast [col. 4, lines 37-39].

Regarding claim 18, the claimed “transport stream comprising an MPEG-2 transport stream” is met by the MPEG-2 transport stream [col. 4, line 34].

Regarding claim 19, the claimed “method of claim 15, the transport stream comprising at least a portion of a digital television broadcast signal” is met by the MPEG-2 transport stream being multiplexed onto a digital video broadcast [col. 4, lines 37-39].

Regarding claim 20, the claimed “method” is met as follows:

- The claimed step of “receiving a transport stream having an encapsulated carousel, the carousel having a plurality of modules, at least one module of the plurality of modules comprising one of a data module and an object module, said at least one module exhibiting a first instance and at least a second instance” is met by the reception of the MPEG-2 transport stream and the

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encapsulated carousel at the set-top box 18 [col. 4, line 53 – col. 5, line 12]. The modules are met by the image frame, which is comprised of image data and navigation data and is inserted onto the carousel in a plurality of spaces [col. 3, line 36 – col. 4, line 5 & Fig. 2a].

- The claimed step of “extracting the first and second instances of said at least one module from the transport stream” is met by the decoding of the image frames so that they can be displayed on the television receiver [col. 5, lines 4-12].

Regarding claim 21, the claimed “method of claim 20, the transport stream comprising an MPEG-2 transport stream” is met by the MPEG-2 transport stream [col. 4, line 34].

Regarding claim 22, the claimed “method of claim 20, the transport stream comprising at least a portion of a digital television broadcast signal” is met by the MPEG-2 transport stream being multiplexed onto a digital video broadcast [col. 4, lines 37-39].

Regarding “article of manufacture” claim 23-30, see the above rejection for similar “method” claims 15-22.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Fries (USP 6,317,885) discloses the ability to place more than one copy of a page in the carousel to increase its frequency and therefore reduce the latency of access.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R. Shannon who can be reached at (571) 272-7356 or Michael.Shannon@uspto.gov. The examiner can normally be reached by phone Monday through Friday 8:00 AM – 5:00PM, with alternate Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (571) 272-7353.

Any response to this action should be mailed to:

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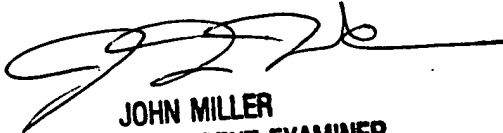
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **(571) 272-2600**.

Michael R Shannon
Examiner
Art Unit 2614

Michael R Shannon
July 23, 2005


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600